



State of California
DIVISION OF LABOR STANDARDS ENFORCEMENT
MEMORANDUM

DATE: June 17, 2005

TO: DLSE Staff

FROM: Donna M. Dell
Labor Commissioner

SUBJECT: Precedent Decision – Case No. 12-56901RB

Section 11425.60 of the California Government Code allows for the designation as a “precedent decision” any decision that contains a significant legal or policy determination of general application that is likely to recur. The Division’s authority to designate a decision as a precedent is not subject to judicial review and is not viewed as an underground regulation. Precedent decisions are binding on any case before the Division’s Deputy Labor Commissioners and Hearing Officers to the extent that they include the same legal or policy issues determined in the precedent.

In response to the continuing confusion and frustration expressed to me regarding the lack of interpretive authority available to the Division on the issue of meal and rest breaks, I am designating the attached Order, Decision or Award (ODA) in the matter of *Hartwig v. Orchard Commercial, Inc.*, Case No. 12-56901RB as a Division of Labor Standards Enforcement (DLSE) Precedent Decision until such time as applicable regulations are in effect.

Pursuant to Section 11425.60 this Precedent Decision shall be indexed, made available to the public and publicized annually in the California Regulatory Notice Register.

I hope that this determination will help to alleviate any confusion you may have and provide consistency going forward.

As always, please do not hesitate to call if you have any questions.

Sincerely,

/s/ Donna M. Dell